

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**ALLIANTGROUP, LP**

**Plaintiff,**

**v.**

**WILLIAM VOLKER and  
EFFICIENCY ENERGY, L.L.C**

**Defendants.**

§  
§  
§  
§  
§

**CIVIL ACTION NO. \_\_\_\_\_**

**INDEX OF MATTERS BEING FILED**

As required under Local Rule 81, the following is a list of the documents being filed with the Notice of Removal in this action:

1. A copy of all process;
2. A copy of all state court pleadings;
  - a. Plaintiff's Original Petition;
3. This index of matters being filed;
4. A list of all counsel of record, including addresses, telephone numbers and parties represented;
5. A state court docket has not been created.
6. There are no orders signed by the state court judge.

Respectfully submitted,

By: /s/ Michael McCue  
MICHAEL E. MCCUE  
State Bar No. 13494150  
ALEX J. PILAWSKI  
State Bar No. 24074899

**MEADOWS, COLLIER, REED, COUSINS,  
CROUCH & UNGERMAN, L.L.P.**  
901 Main Street, Suite 3700  
Dallas, Texas 75202-3792  
(214) 744-3700  
(214) 747-3732 (Fax)  
mmccue@meadowscollier.com  
apilawski@meadowscollier.com

ATTORNEYS FOR DEFENDANTS

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing pleading has been served upon all counsel of record to this proceeding by ECF, facsimile, or mailing the same by first class United States mail, postage prepaid on this 16th day of October, 2014.

/s/ Michael McCue

## CIVIL CASE INFORMATION SHEET (REV. 2/13)

CAUSE NUMBER (FOR CLERK USE ONLY): \_\_\_\_\_

COURT (FOR CLERK USE ONLY): \_\_\_\_\_

STYLED alliantgroup, LP vs. William Volker and Efficiency Energy, LLC

(e.g., John Smith v. All American Insurance Co. In re Mary Ann Jones. In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

<b>I. Contact information for person completing case information sheet:</b> Name: <u>John T. Simpson, Jr.</u> Address: <u>3009 Post Oak Blvd. Suite 2000</u> City/State/Zip: <u>Houston, Texas 77056</u> State Bar No.: <u>00794639</u> Email: <u>john.simpson@alliantgroup.com</u> Telephone: <u>713-877-9600</u> Fax: <u>713-350-3626</u>		<b>Names of parties in case:</b> Plaintiff(s)/Petitioner(s): <u>alliantgroup, LP</u> Defendant(s)/Respondent(s): <u>William Volker and Efficiency Energy, LLC</u> [Attach additional page as necessary to list all parties]		<b>Person or entity completing sheet is:</b> <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____ Additional Parties in Child Support Case: Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____	
<b>2. Indicate case type, or identify the most important issue in the case (select only 1):</b>					
<b>Civil</b>			<b>Family Law</b>		
<b>Contract</b> <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: <b>Foreclosure</b> <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:		<b>Injury or Damage</b> <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <b>Malpractice</b> <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <b>Product Liability</b> <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: <input type="checkbox"/> Other Injury or Damage:		<b>Real Property</b> <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: <b>Related to Criminal Matters</b> <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other:	
<b>Employment</b> <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:		<b>Other Civil</b> <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input checked="" type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:		<b>Marriage Relationship</b> <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <b>Divorce</b> <input type="checkbox"/> With Children <input type="checkbox"/> No Children <b>Other Family Law</b> <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:	
<b>Tax</b> <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax		<b>Probate &amp; Mental Health</b> <b>Probate/Wills/Intestate Administration</b> <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:			
<b>3. Indicate procedure or remedy, if applicable (may select more than 1):</b>					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input checked="" type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover	
<b>4. Indicate damages sought (do not select if it is a family law case):</b>					
<input checked="" type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000					

9/22/2014 2:04:55 PM  
 Chris Daniel - District Clerk  
 Harris County  
 Enclave No. 2574851  
 COURT CLERK  
 2014-04-02



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.  
Witness my official hand and seal of office  
this October 16, 2014

Certified Document Number: 62444205 Total Pages: 1

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**



**CHRIS DANIEL**  
HARRIS COUNTY DISTRICT CLERK

**Civil Process Pick-Up Form**

\*All Information on this form is required.

\*CAUSE NUMBER 14-54532

\*ATY ☒ \*CIV ☐

\*Court # 127

**REQUESTING ATTORNEY/FIRM NOTIFICATION**

\*ATTORNEY: Simpson, John \* PH: 71877-9600

\*CIVIL PROCESS SERVER: \_\_\_\_\_

\*PH: \_\_\_\_\_

\*PERSON NOTIFIED SVC READY: VM - JS

\*DATE: 9/24 8:27am

\*30<sup>th</sup> day after date of issuance \_\_\_\_\_ - \_\_\_\_\_ - 2014

Type of Service Document: _____	Tracking Number: <u>73058959</u>
Type of Service Document: _____	Tracking Number: <u>73058958</u>
Type of Service Document: _____	Tracking Number: _____
Type of Service Document: <u>Out</u>	Tracking Number: _____
Type of Service Document: _____	Tracking Number: _____
Type of Service Document: _____	Tracking Number: _____
Type of Service Document: _____	Tracking Number: _____
Type of Service Document: _____	Tracking Number: _____
Type of Service Document: _____	Tracking Number: _____
Type of Service Document: _____	Tracking Number: _____

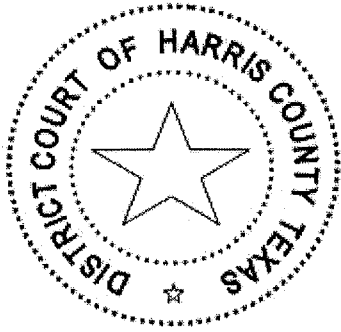
\*Civil Process papers prepared by: Shanelle Taylor

\*Date: 9/23 -2014

\*Process papers released to: John Simpson

\*Process papers released by: W. M.

\*Date: 9/22, 2014 Time: 1:48 AM / ☒ PM



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this October 16, 2014

Certified Document Number: 62497635 Total Pages: 1

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**

## CIVIL PROCESS REQUEST

FOR EACH PARTY SERVED YOU MUST FURNISH ONE (1) COPY OF THE PLEADING  
FOR WRITS FURNISH TWO (2) COPIES OF THE PLEADING PER PARTY TO BE SERVED

CASE NUMBER: \_\_\_\_\_ CURRENT COURT: \_\_\_\_\_

TYPE OF INSTRUMENT TO BE SERVED (See Reverse For Types): Original Petition, Application for Temporary Injunction and Permanent Injunction, and Request for Disclosures

FILE DATE OF MOTION: 09-22-14  
Month/ Day/ Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

1. NAME: William Volker  
ADDRESS: 7 Cimarron Dr., Greenwood Village, CO 80121

AGENT, (if applicable): \_\_\_\_\_

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): \_\_\_\_\_

SERVICE BY (check one):

- ☒ ATTORNEY PICK-UP ☐ CONSTABLE  
☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: \_\_\_\_\_ Phone: \_\_\_\_\_  
☐ MAIL ☐ CERTIFIED MAIL  
☐ PUBLICATION:  
Type of Publication: ☐ COURTHOUSE DOOR, or  
☐ NEWSPAPER OF YOUR CHOICE: \_\_\_\_\_  
☐ OTHER, explain \_\_\_\_\_

2. NAME: Efficiency Energy

ADDRESS: 1701 Directors Boulevard, Suite 300, Austin, Texas 78744

AGENT, (if applicable): Registered Agent Solutions, Inc.

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): \_\_\_\_\_

SERVICE BY (check one):

- ☒ ATTORNEY PICK-UP ☐ CONSTABLE  
☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: \_\_\_\_\_ Phone: \_\_\_\_\_  
☐ MAIL ☐ CERTIFIED MAIL  
☐ PUBLICATION:  
Type of Publication: ☐ COURTHOUSE DOOR, or  
☐ NEWSPAPER OF YOUR CHOICE: \_\_\_\_\_  
☐ OTHER, explain \_\_\_\_\_

## ATTORNEY (OR ATTORNEY'S AGENT) REQUESTING SERVICE:

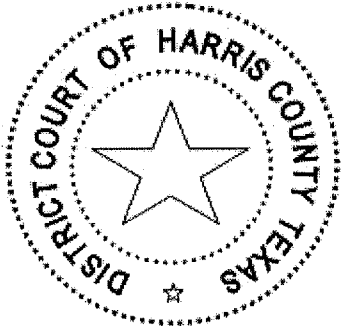
NAME: John T. Simpson, Jr. TEXAS BAR NO./ID NO. 00794639

MAILING ADDRESS: 3009 Post Oak Blvd., Suite 2000, Houston, Texas 77056

PHONE NUMBER: 713 877-9600 FAX NUMBER: 713 350-3626  
area code phone number area code fax number

EMAIL ADDRESS: john.simpson@alliantgroup.com

9/22/2014 2:04:55 PM  
Chris Daniel - District Clerk  
Harris County  
Envelope No: 2574851  
2014-54532 / COURT CLERK / NELSON



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.  
Witness my official hand and seal of office  
this October 16, 2014

Certified Document Number: 62444206 Total Pages: 1

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**



CAUSE NO. \_\_\_\_\_

ALLIANTGROUP, LP	§	IN THE DISTRICT COURT OF
	§	
V.	§	HARRIS COUNTY, TEXAS
	§	
WILLIAM VOLKER and EFFICIENCY	§	
ENERGY, LLC	§	_____ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION, APPLICATION FOR TEMPORARY INJUNCTION  
AND PERMANENT INJUNCTION, AND REQUEST FOR DISCLOSURES**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Plaintiff ALLIANTGROUP, LP, ("ALLIANTGROUP") and files its Original Petition, Application for Temporary Injunction and Permanent Injunction, and request for disclosures against Defendant WILLIAM VOLKER, ("VOLKER" herein) and Defendant EFFICIENCY ENERGY, LLC, ("EFFICIENCY ENERGY" herein), and shows:

**DISCOVERY CONTROL PLAN**

ALLIANTGROUP intends to conduct discovery in this matter under Level 2, pursuant to TEX.R.CIV.P. 190.3. ALLIANTGROUP asks the Clerk of the Court to issue a docket control order at this time.

**PARTIES**

2. ALLIANTGROUP is a domestic Limited Partnership which has its principle place of business in the State of Texas.
3. Defendant VOLKER is an individual that conducts business in Texas. He resides in Colorado and may be served with citation at 7 Cimarron Dr., Greenwood Village, CO, 80121.
4. Defendant EFFICIENCY ENERGY is a Texas registered foreign limited liability company formed and existing in the State of Colorado and may be served via its registered agent: Registered Agent Solutions, Inc., 1701 Directors Blvd., Suite 300, Austin, TX 78744.

#### VENUE AND JURISDICTION

5. Venue in Harris County, Texas is proper as all or part of the cause of action accrued in Houston, Harris County, Texas. TEX.CIV.PRAC. & REM. CODE § 15.001. Specifically, Defendants transacted business in Texas and interfered with contracts based in Houston.

6. This Court has personal jurisdiction over VOLKER and/or EFFICIENCY ENERGY as they have entered into contracts with third parties in the State of Texas, VOLKER and/or EFFICIENCY ENERGY conduct business in the State of Texas, and VOLKER and/or EFFICIENCY ENERGY provide tax consulting services in the State of Texas to Texas residents. Specifically, both VOLKER and EFFICIENCY ENERGY have purposely interfered with ALLIANTGROUP's business relationships in Texas and have interfered with contracts governed by Texas law. Furthermore, VOLKER is the co-founder of EFFICIENCY ENERGY which is a registered foreign business in Texas.

#### FACTS

7. ALLIANTGROUP is a national tax consulting firm with its primary office in Houston, Texas.

8. VOLKER formed EFFICIENCY ENERGY, a tax consulting company.

9. On or about September 4, 2014, VOLKER and/or EFFICIENCY ENERGY contacted LLT Building Corporation and/or its Certified Public Accountant ("CPA"), a current client of ALLIANTGROUP, who had contracted with ALLIANTGROUP to perform tax consulting services. VOLKER and/or EFFICIENCY ENERGY tortiously interfered with this contract by causing LLT Building Corporation to terminate its contract with ALLIANTGROUP.

#### TORTIOUS INTERFERENCE

10. ALLIANTGROUP would show that VOLKER and/or EFFICIENCY ENERGY tortiously interfered with ALLIANTGROUP's on-going relationships with its client(s). VOLKER and/or EFFICIENCY ENERGY has contacted at least one current ALLIANTGROUP client and intentionally

interfered with this relationship. VOLKER's and EFFICIENCY ENERGY's interference is a proximate cause of the damages complained of by ALLIANTGROUP herein.

#### **DAMAGES**

11. ALLIANTGROUP seeks the following damages which it has incurred as a result of the acts and/or omissions of VOLKER: economic damages; exemplary damages; reasonable and necessary attorney's fees; costs of court; pre-judgment interest at the maximum rate allowed by law; post-judgment interest at the maximum rate allowed by law; and equitable relief as enumerated below.

#### **REQUEST FOR TEMPORARY INJUNCTION**

12. ALLIANTGROUP asks the Court, after hearing, to issue a temporary injunction against VOLKER and EFFICIENCY ENERGY. ALLIANTGROUP asks that the temporary injunction enjoin VOLKER and EFFICIENCY ENERGY from soliciting ALLIANTGROUP's clients and/or CPA contacts.

13. As shown above, ALLIANTGROUP has a probable right of recovery in this action. In addition, ALLIANTGROUP will suffer immediate and irreparable harm to its business as a proximate result of VOLKER's tortious interference with ALLIANTGROUP's current business relationships. Finally, the total damages caused by the activities of VOLKER are not readily quantifiable or measurable, and will likely be unrecoverable, leaving ALLIANTGROUP with no adequate remedy. If the court deems necessary, ALLIANTGROUP is willing to post a bond in order to prevent further unlawful conduct by VOLKER and/or EFFICIENCY ENERGY.

#### **REQUEST FOR PERMANENT INJUNCTION**

14. ALLIANTGROUP asks the Court to set its application for a permanent injunction for a full trial on the merits and, after the trial, issue a permanent injunction against VOLKER whereby he is enjoined from soliciting ALLIANTGROUP's clients and/or CPA contacts.

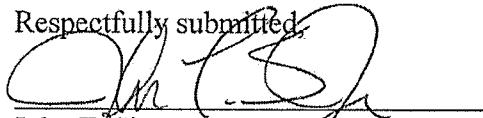
**REQUEST FOR DISCLOSURES**

15. Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Defendant is requested to disclose, within FIFTY (50) DAYS of service of this request, the information and material described in Rule 194.2

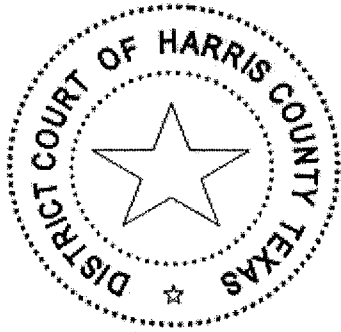
**PRAYER**

WHEREFORE, ALLIANTGROUP asks that VOLKER and EFFICIENCY ENERGY be required to appear and answer herein and that upon final trial, ALLIANTGROUP recover judgment against VOLKER and EFFICIENCY ENERGY in a sum above the minimal jurisdictional limits of this Honorable Court, temporary injunction, permanent injunction, declaratory relief, prejudgment interest at the maximum rate allowed by law, post-judgment interest thereon at the maximum legal rate, reasonable and necessary attorney's fees, court costs, exemplary damages and for such other and further relief, both general and special, at law and in equity, to which Plaintiff may show itself justly entitled.

Respectfully submitted,



John T. Simpson, Jr.  
Texas State Bar No. 00794639  
3009 Post Oak Blvd., Suite 2000  
Houston, Texas 77056  
Telephone: (713) 877-9600  
Facsimile: (713) 350-3626  
**ATTORNEY FOR PLAINTIFF**  
**ALLIANTGROUP, LP**



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this October 16, 2014

Certified Document Number: 62444343 Total Pages: 4

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**